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BEFORE THE ARIZONA CORPORATION COMMISSION
DOCKETED

JAN 10 2000

CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
JOHN T. KOHLERMAN FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE CUSTOMER-OWNED PAY
TELEPHONE SERVICE IN THE STATE OF
ARIZONA.

DOCKET NO. T-03800A-99-0609

DECISION NO. 62226**ORDER**

Open Meeting
January 5 and 6, 2000
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On October 26, 1999, John T. Kohlerman ("Applicant") filed with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona.

2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

3. The Commission in Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

4. In Decision No. 58535 (February 14, 1994), the Commission adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

6. Applicant has requested that a Certificate be granted pursuant to A.A.C. R14-2-905, and has indicated that it will provide COPT service pursuant to the rates, terms and conditions

1 specified in the Generic COPT Tariff.

2 7. Applicant is a sole proprietorship.

3 8. Applicant does not presently provide COPT services in Arizona.

4 9. On December 3, 1999, Staff filed a Staff Recommendation, recommending approval
5 of Applicant's application without a hearing. Staff stated that Applicant has submitted a copy of its
6 customer information placard that is not in compliance with the terms of the Generic COPT Tariff.

7 10. Staff further recommended that the Commission condition approval of the application
8 on Applicant filing a copy of a revised customer information placard with Staff for approval prior to
9 it providing service to any locations.

10 CONCLUSIONS OF LAW

11 1. Applicant is a public service corporation within the meaning of Article XV of the
12 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

13 2. The Commission has jurisdiction over Applicant and the subject matter of the
14 application.

15 3. Notice of the application was given in accordance with the law.

16 4. With the conditions stated below, the provision of COPT service in Arizona by
17 Applicant is in the public interest.

18 5. Applicant is a fit and proper entity to receive a Certificate for providing COPT service
19 in Arizona.

20 ORDER

21 IT IS THEREFORE ORDERED that the application of John T. Kohlerman for a Certificate of
22 Convenience and Necessity for authority to provide customer-owned pay telephone service in
23 Arizona shall be, and the same is, hereby granted, conditioned upon Applicant filing a revised
24 customer information placard approved by the Director of the Utilities Division for compliance with
25 the requirements of the Generic COPT Tariff within sixty days of the effective date of this Decision.

26 IT IS FURTHER ORDERED that if John T. Kohlerman fails to timely file an approved
27 customer information placard, the application shall be denied without further Order of this
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Commission, and Staff shall notify the local exchange company that provides public access line service to Applicant's pay telephones, if any, pursuant to A.A.C. R14-2-903.C, so that any public access lines held by Applicant are disconnected.

IT IS FURTHER ORDERED that John T. Kohlerman shall comply with the terms of the Generic COPT Tariff, unless otherwise ordered by the Commission, pursuant to A.A.C. R14-2-906.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 15th day of January, 2000.


BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
JLR:dap

1 SERVICE LIST FOR:

JOHN T. KOHLERMAN

2 DOCKET NO.

T-03800A-99-0609

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